

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENZYME CORPORATION,

Plaintiff,

v.

THOMAS DOTTER,

Defendant.

CIVIL ACTION No. 18-cv-11940-RGS

PLAINTIFF’S MOTION FOR SANCTIONS PURSUANT TO RULE 37(d)

Plaintiff Genzyme Corporation (“Genzyme”) hereby moves for sanctions against Defendant Thomas Dotter (“Dotter”) pursuant to Federal Rule of Civil Procedure 37(d) as a result of Defendant’s failure to appear for his deposition on October 15, 2018. Specifically, Plaintiff moves for an order precluding Dotter from submitting an affidavit in opposition to Genzyme’s forthcoming motion for a preliminary injunction and for monetary sanctions in the form of attorneys’ fees and costs incurred in preparing for Dotter’s deposition and drafting this motion, as well as costs to Plaintiff occasioned by the retention of a court reporter. In support of this motion, Plaintiff files the accompanying Memorandum of Law in Support of Its Motion for Sanctions Pursuant to Rule 37(d), and the Affidavit of Michael J. Licker.

Respectfully Submitted,

GENZYME CORPORATION,

By its attorneys,

/s/ Michael J. Licker

James W. Bucking, BBO #558800

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Dated: October 17, 2018

Certificate of Compliance with Local Rules 7.1 and 37.1

I, Michael J. Licker, hereby certify that on October 16, 2018, I conferred with Defendant's counsel via telephone in a good faith attempt to resolve or narrow the issues presented herein.

/s/ Michael J. Licker
Michael J. Licker

Certificate of Service

I, Michael J. Licker, counsel for Plaintiff, do hereby certify that a true and accurate copy of the foregoing document, which was filed via the Court's ECF system on October 17, 2018, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants.

/s/ Michael J. Licker
Michael J. Licker